

September 27, 2013

**VIA ELECTRONIC COMMENT FILING SYSTEM**

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

**Re: Connect America Fund Phase I Census Block Challenge; WC Docket No. 10-90**

Dear Ms. Dortch:

Cablevision Systems Corporation (“Cablevision”), by its attorneys, hereby challenges FairPoint Communications’ identification of a census block in Dutchess County, New York (FIPS Code 360271000002000) as a location where it intends to use Connect America Fund (“CAF”) Phase I funding.<sup>1/</sup> As demonstrated in the attached exhibits, this census block has been and continues to be served by Cablevision with broadband service that exceeds the Commission’s minimum standards. The block is therefore ineligible for CAF Phase I support.<sup>2/</sup>

First, in support of this challenge we have attached the certification of Gregory Buscarino, Vice President, Business Planning & Regulatory Product Management at Cablevision, attesting that Cablevision offers broadband services in the census block exceeding the 3 Mbps downstream/768 kbps upstream measurement standard,<sup>3/</sup> along with information from current business records about Cablevision broadband customers in the census block.<sup>4/</sup>

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<sup>1/</sup> See Letter from Michael T. Skrivan, Vice President Regulatory, FairPoint Communications, to Marlene H. Dortch, Secretary, Federal Communications Commission (Aug. 20, 2013) (filed in WC Docket No. 10-90) (identifying census blocks where FairPoint intends to use allocated CAF Phase I second round funds). See also WCB list of census blocks for which CAF Phase I support is requested, available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-323008A1.xlsx](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-323008A1.xlsx).

<sup>2/</sup> See *Connect America Fund*, Report and Order, 28 FCC Rcd 7766, ¶¶ 28-33 (2013) (“CAF Phase I, Round Two Order”) (describing the process by which interested parties may challenge a listed census block “by demonstrating that the block is in fact served by fixed Internet access with speeds of 3 Mbps/768 kbps or higher”).

<sup>3/</sup> Exhibit A-1. See *Id.* ¶ 33 (“In cases where another provider contests the price cap carrier’s intention to serve, the Bureau may consider such evidence as a signed certification from an officer of the provider under penalty of perjury that it offers 3 Mbps/768 kbps Internet service to customers in that particular census block.”).

<sup>4/</sup> Exhibit A-2. See *Id.* (“Such a certification could be accompanied by current customer billing records, appropriately redacted to preserve customer privacy.”). Street and ZIP+4 identifiers have been redacted to protect customer privacy.

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Second, Cablevision is also attaching (1) a screen shot of the current online version of the National Broadband Map showing that broadband services are provided in the census block, along with a description of the process by which Cablevision reports its broadband services to the National Broadband Mapping Project;<sup>5/</sup> (2) a representative screen shot of the current online version of the New York State Broadband Map maintained by the New York State Office of Information Technology Services (“ITS”), showing in greater detail that broadband services are provided by Cablevision in the census block;<sup>6/</sup> and (3) copies of Form 477 data submitted by Cablevision for the census tract that includes the census block in question, demonstrating that no locations served by Cablevision in that census tract were provided broadband at speeds slower than 10 Mbps downstream and 1.5 Mbps upstream.<sup>7/</sup>

The information provided in these exhibits presents convincing evidence that the census block in question (FIPS Code 360271000002000) is currently served with broadband exceeding the minimum speed standard established by the Commission. FairPoint’s proposal to apply CAF Phase I support in that census block should therefore be denied. Please contact the undersigned with any questions or need for additional information.

Respectfully submitted,

*/s/ Ernest C. Cooper*

Ernest C. Cooper  
*Counsel for Cablevision Systems Corporation*

Attachments

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<sup>5/</sup> Exhibit B. The National Broadband Map is available at <http://www.broadbandmap.gov/>. Note that because the census block in question is larger than two square miles, the map shows available service according to street segments within the census block, rather than showing the entire area of the census block as served.

<sup>6/</sup> Exhibit C. In the screen shot, the legend on the right shows the service provided by Cablevision and FairPoint subsidiary Taconic in the street segment that is colored red. Service at other street segments in the census block may be viewed by accessing the New York State Broadband Map at <http://broadbandmap.ny.gov/>. As with the National Broadband Map, because the census block in question is larger than two square miles, the map shows available service according to street segments within the census block, rather than showing the entire area of the census block as served. The New York State Broadband Mapping Project is part of an effort in which New York broadband data is “collected, analyzed and submitted to the NTIA on a semi-annual basis” for inclusion in the National Broadband Map. See New York State, Broadband Mapping Project, Project Overview, at <http://broadbandmap.ny.gov/content/the-program.html>.

<sup>7/</sup> Exhibit D. See *CAF Phase I, Round Two Order* ¶ 33 (“The Bureau may also consider FCC Form 477 data in evaluating whether a provider is providing broadband in a particular census block.”). While the number of subscribers at each speed has been redacted as proprietary, the data is available to the Wireline Competition Bureau in the FCC’s Form 477 database or can be made available to the Commission by Cablevision on a confidential basis on request.

**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**

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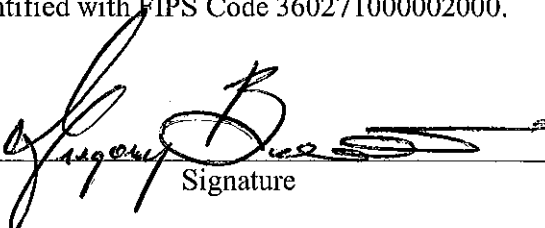
cc: Ryan Yates, Wireline Competition Bureau (via e-mail)  
Michael T. Skrivan, FairPoint Communications (via e-mail)

## **EXHIBIT A-1**

Certification of Gregory Buscarino, Vice President, Business Planning & Regulatory Product Management at Cablevision Systems Corporation, that Cablevision Offers Broadband Services Exceeding the 3 Mbps Downstream/768 kbps Upstream Measurement Standard in the Dutchess County, New York Census Block with FIPS Code 360271000002000.

## CERTIFICATION

I certify under penalty of perjury that to the best of my knowledge, information, and belief Cablevision Systems Corporation, through its subsidiary CSC Holdings, LLC, offers broadband service with speeds exceeding 3 Mbps downstream and 768 kbps upstream in the Dutchess County, New York census block identified with FIPS Code 360271000002000.



Signature

Gregory Buscarino

Printed Name

Vice President, Business Planning &  
Regulatory Product Management

Title

9/25/13

Date

## **EXHIBIT A-2**

List from Cablevision Business Records of Street Addresses of Current Cablevision Broadband Customers in the Dutchess County, New York Census Block with FIPS Code 360271000002000.

# Address List of Cablevision Active Broadband Customers in Census Block 360271000002000

[illegible]

Drawn from Cablevision business records, September 16, 2013.

## **EXHIBIT B**

Screen Shot of the Area Including the Dutchess County, New York census block with FIPS Code 360271000002000 in the Current Online Version of the National Broadband Map.  
(Location of Census Block is Circled.)

Description of the Process Cablevision Uses to Report Its Service Area  
for Inclusion in the National Broadband Map.



## National Broadband Map

How connected is my community?

Permalink Short URL »

Tweet Like 1.4k

### Type of Technology Available

Data as of: 12/31/12

- ASYMMETRIC XDSL SYMMETRIC XDSL OTHER COPPER WIRELINE **CABLE MODEM-DOCSIS 3.0** CABLE MODEM-OTHER FIBER TO THE END USER
- TERRESTRIAL FIXED WIRELESS-UNLICENSED TERRESTRIAL FIXED WIRELESS-LICENSED TERRESTRIAL MOBILE WIRELESS



#### Type of Technology Available

Description: This map displays broadband technologies offered to end users (e.g. DSL, cable, wireless, fiber, etc.).



The National Broadband Map is a tool to search, analyze and map broadband availability across the United States.

Show Footer Hide Gallery

## **Description of Methodology by which Cablevision Systems Corporation Determines How to Report Census Blocks to the New York State Mapping Entity**

The following description is provided by Frontier GeoTek, Inc., the third party mapping expert contracted by Cablevision Systems Corporation to report Cablevision broadband service data to state broadband mapping authorities for inclusion in the National Broadband Map. The description is specifically intended to provide a generalized overview of the process used for creating the Cablevision broadband service area submission in the State of New York as part of compliance with the National Telecommunications and Information Administration's (NTIA) Broadband Program.

### **1. Cablevision's Current Physical Network Boundary Extracted from Corporate Database**

The most recent physical network boundary information is extracted from Cablevision's proprietary database which is maintained in a General Electric Small World Spatial Database platform (Small World). From Small World, all of the node boundaries that are located within the State of New York are extracted and combined to create one, homogenous service area boundary. For explanation purposes, a node boundary spatially represents all of the homes, businesses, parcels or streets in a given area that can be serviced by a cable network optical receiver or receiver cluster that is physically present in the local vicinity. By extracting and combining all of the node boundaries within a given area an accurate representation is generated that spatially and graphically shows all the homes, businesses, parcels and streets that can realistically be serviced by Cablevision's current cable and fiber optic network infrastructure.

### **2. Cablevision's Physical Network Boundary Used to Select Serviceable Census Blocks**

The resultant physical network boundary is used to select all of the 2010 United States Census Blocks that are covered by the physical network boundary. This selection of Census Blocks forms the preliminary representation of where Cablevision can provide service. However, the selection of Census Blocks is not yet complete as the physical network boundaries are in a state of flux and often times are missing the newest additions or expansions to the physical infrastructure. This is due to variety of reasons including delays related to engineering drafting and processing time required to add these new areas to the Small World.

### **3. Cablevision's Subscriber Billing Information Used to Identify Any Missing Service Areas**

To ensure that the most recent physical network additions and expansions are correctly represented in the final Census Block service area submission, Cablevision subscriber billing address information is extracted from a proprietary Oracle database and is used to identify any missing Census Blocks. The subscriber billing address information has been geocoded to USPS standards, which allows it to be placed geographically at the longitude and latitude of the dwelling. Using the longitude and latitude information for each subscriber record it is possible to plot these addresses geographically as points. By overlaying the subscriber address points with the data from Step 2 it is possible to determine if there are any additional areas of Cablevision service which should be reported. Census Blocks determined to include active customers located outside of the initial determination of the physical network boundary are added to the set of Census Blocks from Step 2. This final combination of Census Blocks from the

initial determination of the physical network boundary and the active subscriber billing points results in the most accurate representation of the Cablevision service area in terms of Census Blocks.

**4. All Census Blocks Determined to Have Cablevision Service Available Are Processed to NTIA Specifications and Submitted to the New York State Office of Information Technology Services.**

The final Census Block selection representing the Cablevision service area is processed in accordance with NTIA Broadband Guidelines and then submitted to the New York State Office of Information Technology Services. This process involves separating the Census Blocks by physical square mileage and then attaching the appropriate Federal requested information about the service provider to the resulting groups. For Census Blocks less than two square miles the blocks are submitted in their entirety. For Census Blocks greater than two square miles the geographically corresponding United States Census Tiger Line Street segments must be submitted. The State of New York provides their own street segment data to be used for submission which is the same as the Tiger Line data but contains additional information; this is the data that is used in this submission process and it is treated exactly the same as the Tiger Line data. All Census Blocks less than two square miles and all Tiger Line Streets segments for the areas greater than two square miles are then attributed with the following information: Cable Provider Name, Cable Provider's DBA Name, Cable Provider's FCC registered license number, Cable Provider's Maximum Advertised Download and Upload Speeds, Cable Provider's Technology Type used to provide service for each piece of data, and the Census Block number. Once all of this information has been attributed then the information is reviewed for potential errors, it is submitted to the New York State Office of Information Technology Services. From there the State's agents are responsible for processing the data to further meet NTIA specifications, updating the New York State's Broadband availability maps, and providing the data to the NTIA so that they can update the Federal records and maps to reflect the submitted information.

## **EXHIBIT C**

Representative Screen Shot of the Dutchess County, New York Census Block with FIPS Code 360271000002000 in the Current Online Version of the New York State Broadband Map.

The screenshot shows the New York State Broadband Map interface. The main map area displays a topographic map of the Taconic State Park region, with various broadband service areas overlaid. A red outline highlights the Taconic State Park area. The map includes labels for roads (e.g., Fox Hill Rd, Columbia, White House Crossing Rd, Catalina Rd, Monument Brook, Mr. Washington Rd, Riga Lake, South Pond, Grass Pond, N. Pond Rd, Border Rd, N. P., Washington Rd) and geographical features (e.g., Taconic State Park, Riga Lake, South Pond, Grass Pond). The map is overlaid with a red outline of the Taconic State Park area. The interface includes a search bar, map controls, and a sidebar with search results.

The sidebar on the right shows search results for "Cablevision/Optimum" and "Taconic Telephone (FairPoint)". The "Cablevision/Optimum" results show a "Cable" service with a "Max Download Speed" of "100 mbps - 1 gbps" and a "Max Upload Speed" of "10 - 25 mbps". The "Taconic Telephone (FairPoint)" results show a "DSL" service with a "Max Download Speed" of "10 - 25 mbps" and a "Max Upload Speed" of "768 kbps - 1.5 mbps". Both results include a note: "All speeds listed are advertised speeds." and a link to "Report an Unserved Address".

## **EXHIBIT D**

Copies of Form 477 Data Submitted by Cablevision for the Census Tract that Includes the Dutchess County, New York census block with FIPS Code 360271000002000.

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### FCC Form 477 - Local Telephone Competition and Broadband Reporting

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OMB NO: 3060-0816

Form 477 Submission for FRN: 19027440, Company: CSC Holdings LLC, State: NY, Operations: Non-ILEC, Data as of Jun 30, 2013

#### Census Tract Detail - Technologies except Terrestrial Mobile Wireless

If you reported broadband connections in Part I.A in a technology category other than Terrestrial Mobile Wireless, you must specify the technology category, identify the Census Tracts in this state in which you had connections in service using that technology, and, for each Census Tract, report the number of connections and the percentage residential in each relevant download/upload information transfer rate combination.

You can use the [American Factfinder](#) to look up 2010 Census Tract numbers for street addresses.

Census Tract / Technology.

Technology of the connections: **Cable Modem**

Census Tract: State: **NY** County: **Dutchess County** Census Tract: **1000.00**

#### DOWNLOAD INFORMATION TRANSFER RATE.

UPLOAD INFORMATION TRANSFER RATE:	Greater than 200 kbps and less than 768 kbps	Greater than or equal to 768 kbps and less than 1.5 mbps	Greater than or equal to 1.5 mbps and less than 3 mbps	Greater than or equal to 3 mbps and less than 6 mbps	Greater than or equal to 6 mbps and less than 10 mbps	Greater than or equal to 10 mbps and less than 25 mbps	Greater than or equal to 25 mbps and less than 100 mbps	Greater than or equal to 100 mbps
	<b>Less than or equal to 200 kbps</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Number of Connections:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percentage Residential:	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %
<b>Greater than 200 kbps and less than 768 kbps</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Number of Connections:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percentage Residential:	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %
<b>Greater than or equal to 768 kbps and less than 1.5 mbps</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Number of Connections:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percentage Residential:	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %	<input type="text"/> %
<b>Greater than or equal to 1.5 mbps and less</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

<b>than 3 mbps</b>	Number of	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Connections:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Percentage	%	%	%	%	%	%	%
	Residential:							
<b>Greater than or equal to 3 mbps and less than 6 mbps</b>	Number of	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Connections:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Percentage	%	%	%	%	%	%	%
	Residential:							
<b>Greater than or equal to 6 mbps and less than 10 mbps</b>	Number of	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Connections:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Percentage	%	%	%	%	%	%	%
	Residential:							
<b>Greater than or equal to 10 mbps and less than 25 mbps</b>	Number of	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Connections:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Percentage	%	%	%	%	%	%	%
	Residential:							
<b>Greater than or equal to 25 mbps and less than 100 mbps</b>	Number of	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Connections:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Percentage	%	%	%	%	%	%	%
	Residential:							
<b>Greater than or equal to 100 mbps</b>	Number of	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Connections:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Percentage	%	%	%	%	%	%	%
	Residential:							

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